

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Stoney Batter Road, 2370' * DEPUTY ZONING COMMISSIONER
S of the c/l of Sunshine Avenue * OF BALTIMORE COUNTY
11th Election District *
5th Councilmanic District * Case No. 91-244-SPH
Robert E. Dalton, et ux
Petitioners

AMENDED ORDER

The Petitioners herein requested and were granted a special hearing and variances for the subject property, in accordance with Petitioner's Exhibit 1, by Order issued May 22, 1991, subject to restrictions; and, WHEREAS, Counsel for Petitioners subsequently requested a modification of Restriction 3 thereof to permit a waiver of CRG approval, in the event approval is not necessary;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of May, 1991 that Restriction No. 3 of the Order issued May 22, 1991 be modified to read as follows:

"3) Prior to the issuance of any permits, Petitioners must obtain CRG approval and/or waiver. Further, said approval and/or waiver must specifically authorize the proposed panhandle driveway."

IF IS FURTHER ORDERED that all other terms and conditions of the Order issued May 22, 1991 shall remain in full force and effect.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
cc: Howard L. Alderman, Jr., Esquire
105 W. Chesapeake Avenue, Suite 113, Towson, Md. 21204
People's Counsel; File

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve a non-density transfer to combine 1.613 acres more or less zoned R.C. 2 of Lot 3 of the "Resubdivision of Dalton Property" with Parcel A, containing 2.07 acres more or less zoned R.C. 2, as shown on the plat of the "Resubdivision of Dalton Property", or, in the alternative, to approve an easement on Lot 3 for a septic reserve area, utilities, and ingress/egress for the benefit of Parcel A, both as shown on the plat of the "Resubdivision of Dalton Property", all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Robert E. Dalton, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petition was Robert Joyce, a nearby property owner. There were no Protestants.

Testimony indicated that the subject property consists of 1.613 acres more or less zoned R.C. 2 and is part of Lot 3 of the "Resubdivision of Dalton Property", known as 6526 Mt. Vista Road. Petitioners presented testimony which included a summary of how they acquired various parcels in the area of the subject property, all as more particularly described on Petitioner's Exhibits 2 and 2A. Testimony indicated that by deed dated September 13, 1973 and recorded among the Land Records of Baltimore County,

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Date 5/24/91
By [Signature]

Liber 5394, folio 541, identified herein as Petitioner's Exhibit 3A, Petitioners acquired fee simple title to approximately 10.17 acres of land which was later subdivided and of which a portion of the subject property is a part. Further testimony indicated that the Mt. Vista Corporation on October 1, 1976, recorded among the Plat Records of Baltimore County, Plat Book 40, at Page 7, a subdivision of property known as Mount Vista Estates which, inter alia, created Parcels A and B, both of which lay within a planned right-of-way for the then proposed Ferring Freeway. Parcels A and B are immediately adjacent to the acreage acquired by the Petitioners in 1973. A copy of the plat of Mount Vista Estates was introduced as Petitioner's Exhibit 3B. Subsequently, by a plat dated December 16, 1982 known as Stoney View and recorded among the Plat Records of Baltimore County in Plat Book 49, at Page 105, Glock, Inc., a Maryland corporation, subdivided Parcel B into Lots 1 and 2 as shown on the plat of Mount Vista Estates. Petitioners introduced the plat of Stoney View as Petitioner's Exhibit 3C.

By deed dated December 22, 1982, recorded among the Land Records of Baltimore County in Liber 6469, folio 817, Petitioners acquired from Glock, Inc., fee simple title to Lots 1 and 2 as shown on the plat of Mount Vista Estates; said fee simple deed was introduced as Petitioner's Exhibit 3D. The land acquired by Petitioners pursuant to the Glock deed is shown outlined in orange on Petitioner's Exhibit 2.

On May 29, 1984, Petitioners acquired, via fee simple deed from Nicelli, et al, recorded among the Land Records of Baltimore County, Liber 6722, folio 078 and introduced as Petitioner's Exhibit 3E, title to a 30-foot wide strip of land containing 41,800 sq.ft. running in an irregular pattern from the 10.71 acres acquired by Petitioners in 1973, in an

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easterly direction out to the County road known as Stoney Batter Road. This 30-foot wide strip is shown more particularly shaded in yellow, on Petitioner's Exhibit 2.

In 1986, Petitioners processed a subdivision plat for the various properties that they then owned. A plat dated June 19, 1986 and recorded among the Plat Records of Baltimore County, Plat Book 54 at Page 141 and being known as the Resubdivision of Dalton Property, made modifications to the lot lines of Lots 1 and 2 as shown on the plat of Stoney View wherein fee simple access for the 10.17 acres acquired by Petitioners in 1973 was provided through Lot 2 out to Mt. Vista Road. Additionally, Lot 2 was reduced in size and a non-density Farm Tract "B" was created. The original 10.17 acres acquired by Petitioners in 1973 was subdivided into two separate lots, each having access to Mt. Vista Road. The 30-foot wide strip of land acquired by the Petitioners in 1984 was shown on the plat of the Resubdivision of Dalton Property as a 15-foot wide strip being added to Parcel A of the Mount Vista Estates plat, and a 15-foot wide strip being added to Lot 3 of the Resubdivision of Dalton Property. Petitioners subsequently constructed their personal residence on Lot 3.

Testimony indicated Petitioners' desire to transfer fee simple title of Parcel A of the Resubdivision of Dalton Property to their daughter for the construction of her home. Prior to obtaining a building permit, it was determined that Parcel A would not pass the requirements of the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) regarding onsite sewage disposal. Petitioners then had a portion of their Lot 3 tested for the suitability of a sewage disposal area to benefit Parcel A. Pursuant to a letter dated January 14, 1991 from DEPRM to the Zoning Commissioner regarding the instant Petition,

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Date 5/24/91
By [Signature]

PETITION FOR SPECIAL HEARING 91-244-SPH
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

the non-density transfer to combine 1.613 acres, zoned RC-2, of Lot No. 3 "Resubdivision of Dalton Property" with Parcel A (consisting of 2.07 acres zoned RC-2) as shown on "Resubdivision of Dalton Property"; or, in the alternative, to approve an easement for septic reserve area, utilities, and ingress/egress on Lot No. 3, for the benefit of Parcel A, both as shown on "Resubdivision of Dalton Property", all as more particularly shown on the plat attached hereto.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I We do solemnly declare and affirm under the penalties of perjury, that I/we, are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Robert E. Dalton
(Type or Print Name)
Signature: [Signature]
Address: [Address]
City and State: [City and State]
Attorney for Petitioner: Howard L. Alderman, Jr.
(Type or Print Name)
Address: [Address]
City and State: [City and State]
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: [Name, address and phone number]
Attorney's Telephone No.: [Telephone No.]

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of May, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of May, 1991, at 10 o'clock

Should be heard with item 249 (THE HALL TIME COMMISSION)
FILED 12/16/90 BY [Signature]
J. Robert Hines
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date 12/16/90
By [Signature]

DEPRM notes that soil percolation tests were conducted on the subject property on November 20, 1989 with favorable results. Thus, DEPRM has determined that sewage disposal and a proposed water well can be located on the subject 1.613 acres of Lot 3 to benefit Parcel A, thereby enabling the Petitioners' daughter to construct her home. Petitioners propose to reduce Lot 3, including the 15-foot wide strip running to Stoney Batter Road, by the subject 1.613 acres more or less and transferring same to the previously recorded Parcel A.

The Petitioners also requested alternative relief of an easement on and over the subject acreage to the benefit of Parcel A for the purposes of sewage disposal, ingress/egress and location of utilities. Testimony showed that DEPRM prefers that any such uses be located on the same fee simple property as the dwelling utilizing such areas.

After due consideration of the testimony and evidence presented, it is clear that the relief requested is appropriate, if certain conditions are imposed, and that practical difficulty would result if the special hearing were not granted. In addition, the relief requested will not be detrimental to the public health, safety and general welfare. Moreover, the evidence presented indicates that density is not affected or violated and the requested relief can be granted within the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.).

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of May, 1991, that the Petition for Special Hearing to approve a non-density transfer to combine 1.613 acres more

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By [Signature]

or less of Lot 3 with Parcel A, both as shown on the "Resubdivision of Dalton Property", in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioners, their successors and assigns, are required to comply with the Zoning Plans Advisory Committee comments submitted by the Water and Sewer Division of DEPRM, dated January 8, 1991 and January 14, 1991, and any other requirements of said Department, including any modifications to the requirements outlined in said comments.
- 3) Prior to the issuance of any permits, Petitioners must obtain CRG approval. Further, said approval must specifically authorize the proposed panhandle driveway.
- 4) Prior to the issuance of any permits, Petitioners, their successors and assigns, shall comply with the Zoning Plans Advisory Committee comments submitted by the Fire Department dated January 11, 1991.
- 5) All subsequent transfers of Parcel A and the subject property shall make reference to this case and the conditions and restrictions contained herein, and shall state specifically that no portion of Parcel A and the additional 1.613 acres shall be subdivided.
- 6) Prior to the issuance of any permits, a confirmatory deed shall be filed merging Parcel A and the 1.613 acres more or less of Lot 3.
- 7) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing requesting, in the alternative, to approve an easement on Lot 3 for a septic

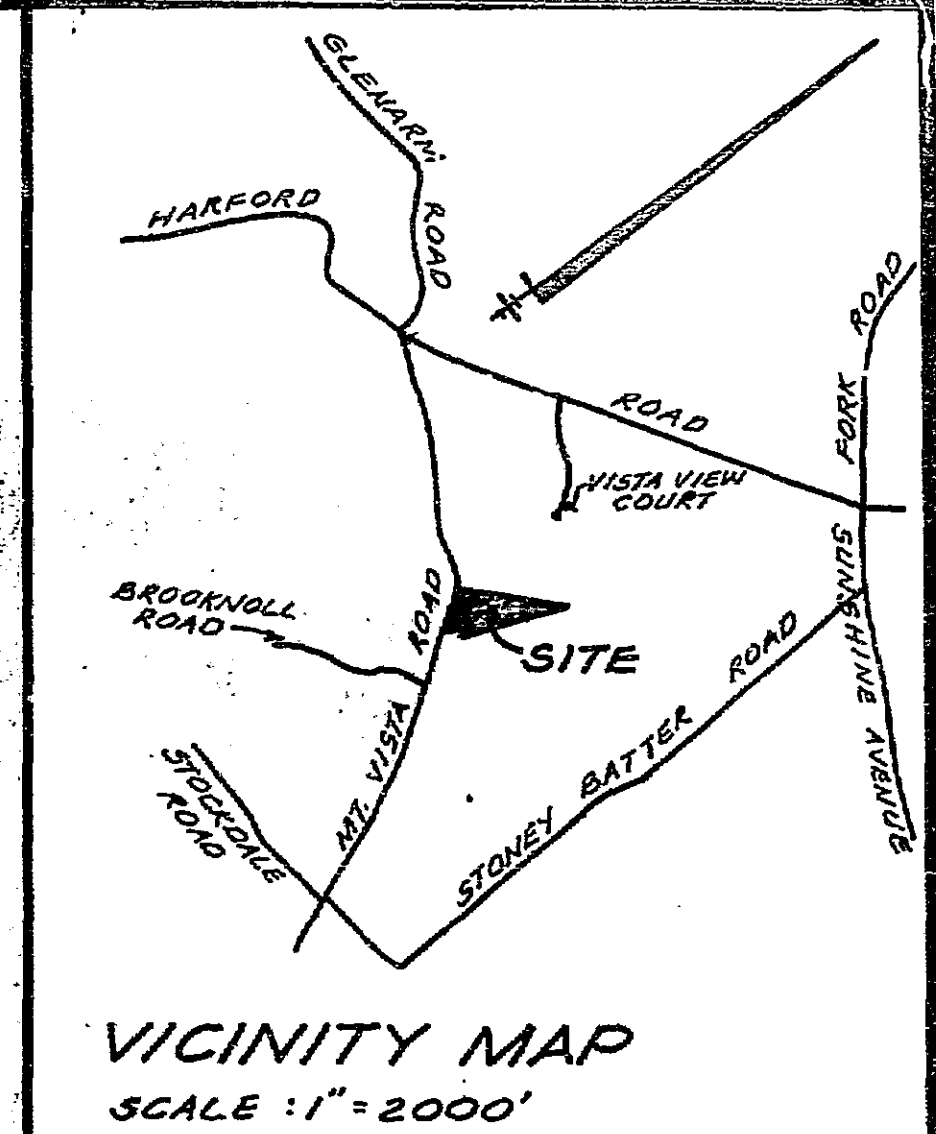
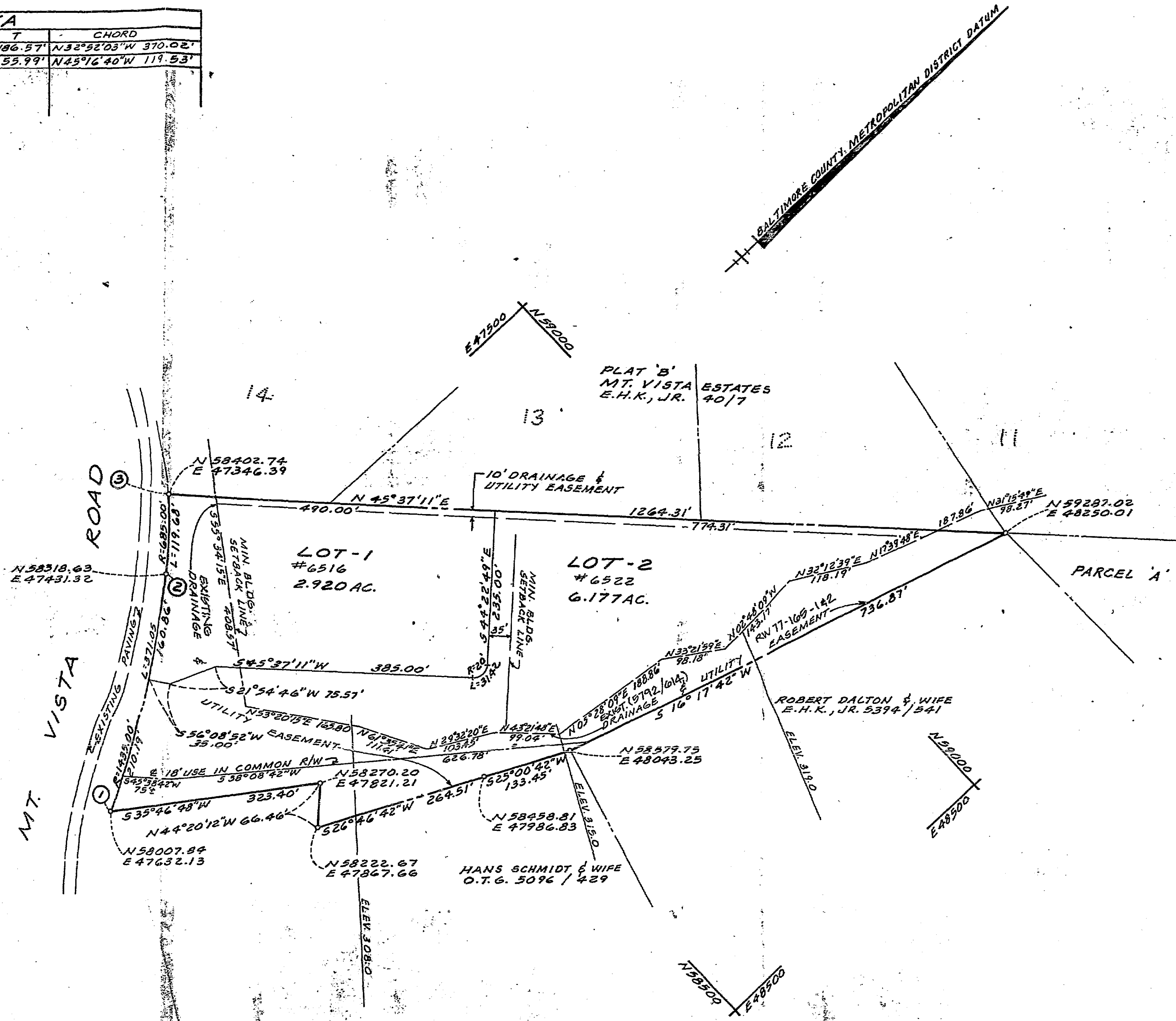
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Date 5/24/91
By [Signature]

reserve area, utilities, and ingress/egress for the benefit of Parcel A, both as shown on the plat of the "Resubdivision of Dalton Property", be and is hereby DISMISSED.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

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Date 5/24/91
By [Signature]

CURVE DATA					
FROM	TO	A	R	L	CHORD
1	2	14°48'53"	1439.00	371.05	186.87
2	3	10°00'38"	685.00	119.68	53.99



DENSITY CALCULATIONS	
GROSS ACREAGE	9.09 AC.
EXISTING ZONING	RC-2
DENSITY ALLOWED	2 MAX.
DENSITY PROPOSED	2
PARKING SPACES REQUIRED	4
PARKING SPACES PROPOSED	4
DRAINAGE AREA - BIG GUNPOWDER	

All requirements of the Maryland State Department of Health and Baltimore County Department of Health pertaining to private water and sewerage systems must be complied with prior to approval of building applications.

NOTE: SOIL PERCOLATION TESTS WILL BE VALID FOR A PERIOD OF THREE YEARS FROM THE DATE THE RECORD PLAT IS FILED BY THE DEPT. OF STATE AND COUNTY HEALTH OFFICER. AT THE EXPIRATION OF THIS PERIOD NEW TESTS MAY BE REQUIRED.

OWNER/DEVELOPER
GLC CK, INC.
7% CHARLES E. GLOCK, PRESIDENT
RECKFORD ROAD
FALLSTON, MD. 21047
DEED REFERENCE - E.H.K., JR. 5758/689

"STONEY VIEW"
(FORMERLY KNOWN AS PARCEL 'B')
AS SHOWN ON:
"PLAT 'B' MOUNT VISTA ESTATES"
E.H.K., JR. 40 FOLIO 7)
BALTIMORE COUNTY, MD. ELECT. DIST. 11
SCALE: 1" = 100' NOV. 24, 1982

E.H.K., JR. 49 FOLIO 105

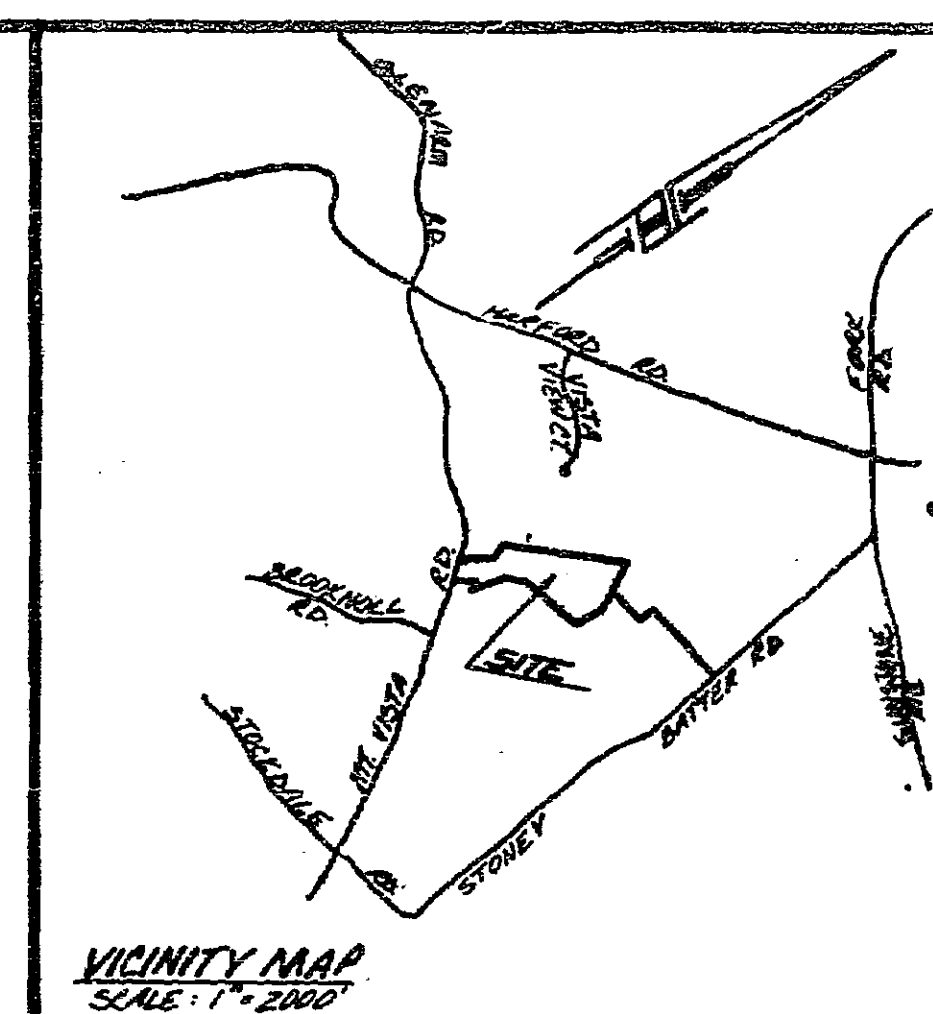
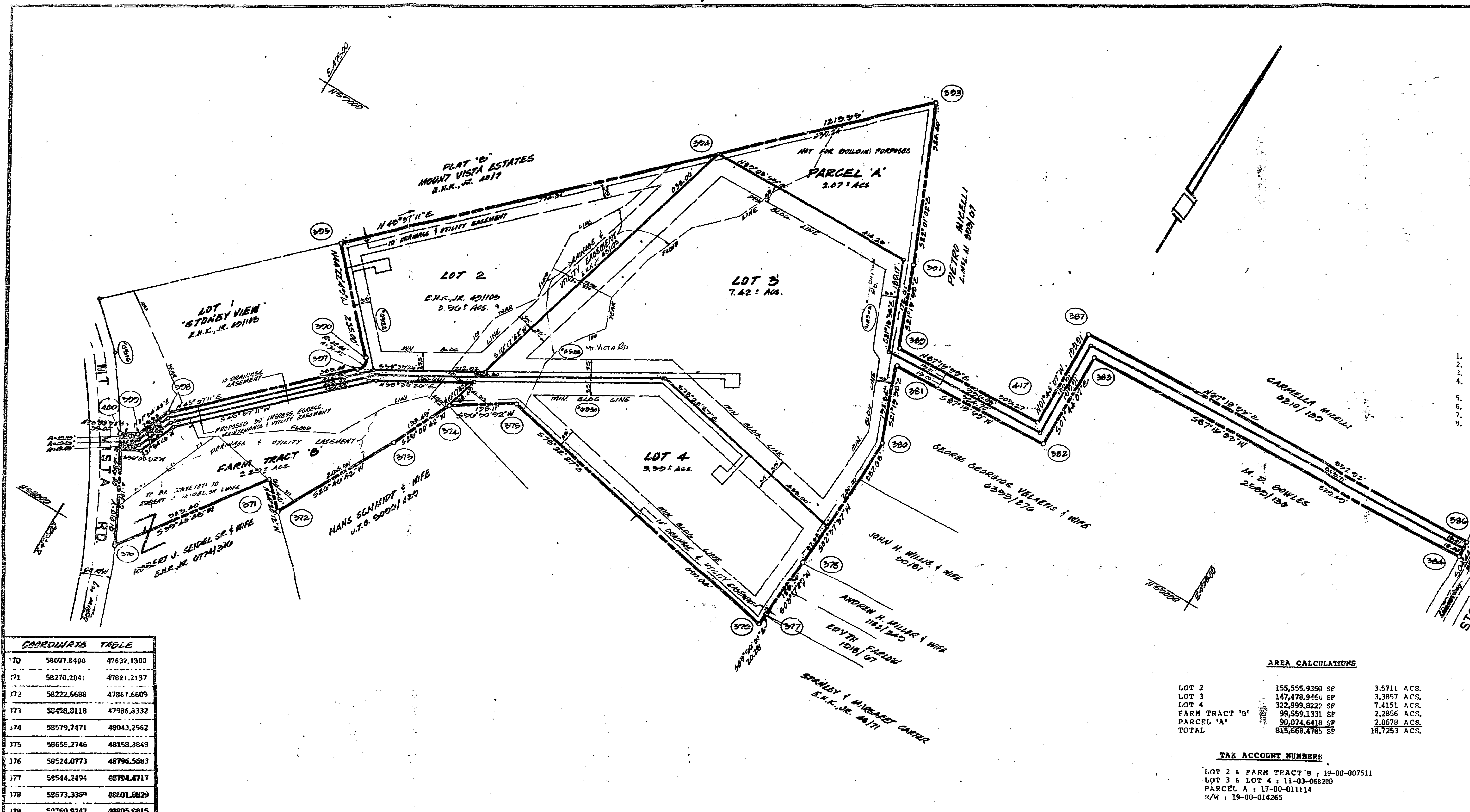
Filed for record

Date: DEC 16 1982

2:21

PETITIONER'S EXHIBIT 36

<p>APPROVED: <i>[Signature]</i> 12/15/82</p> <p>APPROVED: <i>[Signature]</i> 12/15/82</p> <p>APPROVED: <i>[Signature]</i> 12/15/82</p>	<p>SURVEYOR'S CERTIFICATE</p> <p>THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.</p> <p><i>[Signature]</i> 12/15/82</p>	<p>OWNER'S CERTIFICATE</p> <p>THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.</p> <p><i>[Signature]</i> 12/15/82</p>	<p>NOTE:</p> <p>THE STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.</p> <p>NOTE:</p> <p>HIGHWAY AND HIGHWAY WIDENING, SLOPE, DRAINAGE, AND UTILITY EASEMENTS SHOWN HEREIN ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES, AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST.</p>	<p>NOTE:</p> <p>1) FORMAL IRREVOCABLE OFFERS OF DEDICATION HAVE BEEN MADE.</p> <p>2) RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.</p> <p>3) THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF BALTIMORE COUNTY BILL 98-82, SECTION 22-681.</p> <p>4) RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.</p> <p>5) THE INFORMATION SHOWN ON THIS PLAT MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.</p> <p>6) ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS.</p>	<p>P.W.A. COMPLETED <i>[Signature]</i> 12/15/82</p> <p>FINAL PLAT CHECKED <i>[Signature]</i> 12/15/82</p> <p>PLANNING <i>[Signature]</i> 12/15/82</p> <p>ENGINEERING <i>[Signature]</i> 12/15/82</p> <p>STREET NAMES</p> <p>HOUSE NOS</p>	<p>DEVELOPMENT DESIGN GROUP, LTD. SURVEYORS - PLANNERS - ENGINEERS</p> <p>RIDERWOOD BUILDING SUITE 100 1107 KENILWORTH DRIVE TOWSON, MARYLAND 21204 TELEPHONE (301) 828-0727</p> <p>COMPUTED BY: A.L.S.</p> <p>DRAWN BY: W.A.B.</p> <p>CHECKED BY: W.E.M.</p> <p>PROJECT NUMBER: 8218</p>
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DENSITY TABULATIONS

1. EXISTING ZONING	S.C.-2
2. AREA OF TRACT	18.73 ACRES
3. LOTS PERMITTED	4
4. LOTS PROPOSED	3 - PARCEL 'A' + FARM TRACT 'B'
5. PARKING SPACES REQUIRED	6
6. PARKING SPACES PROVIDED	6
7. A.D.T.S. GENERATED	37.2 (3 X 12.4)
8. NO OPEN SPACE REQUIRED	

EXH. JR. 54 FOLIO 141

Filed for Record
Date JUN 19 1988
T-1

GENERAL NOTES

1. FORMAL IRREVOCABLE OFFERS OF DEDICATION HAVE BEEN MADE.
2. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN ON THE PLAT.
3. THIS PLAT MAY EXIST IN ACCORDANCE WITH THE PROVISIONS OF SECTION 12-68 UNTIL 1982.
4. THE RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
5. THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
6. ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS.

AREA CALCULATIONS

LOT 2	155,555.9350 SF	3.5711 ACS.
LOT 3	147,478.9456 SF	3.3857 ACS.
LOT 4	322,999.8222 SF	7.4151 ACS.
FARM TRACT 'B'	99,559.1331 SF	2.2856 ACS.
PARCEL 'A'	90,074.6418 SF	2.0678 ACS.
TOTAL	815,668.4785 SF	18.7253 ACS.

TAX ACCOUNT NUMBERS

LOT 2 & FARM TRACT 'B' - 19-00-007511
LOT 3 & LOT 4 - 11-03-068200
PARCEL 'A' - 17-00-011114
N/W - 19-00-014265

COORDINATE TABLE

70	58007.8400	47632.1300
71	58270.2041	47821.2137
72	58222.6688	47867.6609
73	58458.8118	47986.6332
74	58579.7471	48041.2562
75	58655.2746	48158.3848
76	58524.0773	48796.5681
77	58544.2494	48784.4717
78	58673.3369	48801.6829
79	58760.9247	48805.9815
80	58960.7146	48815.0580
81	59103.1471	48759.6329
82	59118.6420	49081.5581
83	59318.4603	49775.5045
84	59358.0449	49906.4510
85	59387.9605	49903.9681
86	59347.0193	49847.0255
87	59132.6330	48743.1569
88	59293.4991	48685.5513
89	59594.2289	48563.9401
90	59287.0168	48250.6094
91	58745.4510	47696.5996
92	58577.4933	47650.9627
93	58549.2107	47680.6567
94	58279.9350	47305.6921
95	58209.8711	47557.3084
96	58150.3743	47528.2417
97	59147.2009	49053.0791

THE COORDINATE AND COORDINATES SHOWN HEREON ARE BASED ON THE COORDINATE SYSTEM ESTABLISHED BY THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE REFERRED TO THE FOLLOWING TRAVERSE STATIONS:

11817	N 59334.57	E 45199.92
11816	N 58891.78	E 46287.87

<p>NOTE</p> <p>"HIGHWAY AND HIGHWAY WIDENING, SLOPE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS, SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST."</p>	<p>NOTE</p> <p>THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE PER SIMPLE TITLE TO THE 87% THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.</p>
<p>OFFERS CERTIFICATE</p> <p>THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.</p> <p><i>Robert E. Dalton</i> 6/11/86 ROBERT E. DALTON</p>	<p>SURVEYORS CERTIFICATE</p> <p>THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.</p> <p><i>John C. Yost</i> 6/11/86 JOHN C. YOST</p>

All requirements of the Maryland State Department of Health and Baltimore County Department of Health pertaining to private water and/or sewerage systems must be complied with prior to approval of building applications.

NOTE: SOIL PERCOLATION TESTS WILL BE VALID FOR A PERIOD OF THREE YEARS FROM THE DATE THE RECORD PLAT IS SIGNED BY THE DEPUTY STATE AND COUNTY HEALTH OFFICER. AT THE EXPIRATION OF THIS PERIOD NEW TESTS MAY BE REQUIRED

APPROVED BY BALTIMORE COUNTY HEALTH DEPARTMENT

David R. Rogers 6/18/86
DEPUTY STATE AND COUNTY HEALTH OFFICER

APPROVED BY OFFICE OF PLANNING & ZONING

Thomas E. Lohr 6/18/86
DIRECTOR OF THE OFFICE OF PLANNING & ZONING

APPROVED BY DEPARTMENT OF PUBLIC WORKS

John J. [Signature] 6/18/86
DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS

OWNER

ROBERT E. DALTON & JANET M. DALTON
6907 MT. VISTA ROAD
KINGSVILLE, MD. 21087
PHONE: 592-7637

DEED REFERENCES

E.H.R.J.R. 5394/541 - LOTS 3 & 4.
E.H.R.J.R. 6469/617 - PARCEL 'A', LOT 2 & FARM TRACT 'B'.
E.H.R.J.R. 6722/076 - 39' R/W TO STONEY BATTER RD.

PETITIONER'S EXHIBIT 3F

RESUBDIVISION OF
DALTON PROPERTY

ELECTION DISTRICT 11 - BALTIMORE COUNTY - MARYLAND
SCALE: 1" = 100' - DATE: MAY 27, 1986
COUNCILMANIC DISTRICT 5 - CENSUS TRACT 4111.01
WATERSHED 3 - SUBSEWER SHED 81
REVISED: JUNE 14, 1986

HEAD ENGINEERING & SURVEYS OF DELAWARE, INC.
1232 KING STREET
WILMINGTON, DELAWARE 19811
(302) 654-4867

PROJECT NO. 89232 85000-MD 541

ZONING DESCRIPTION - PART OF LOT 3

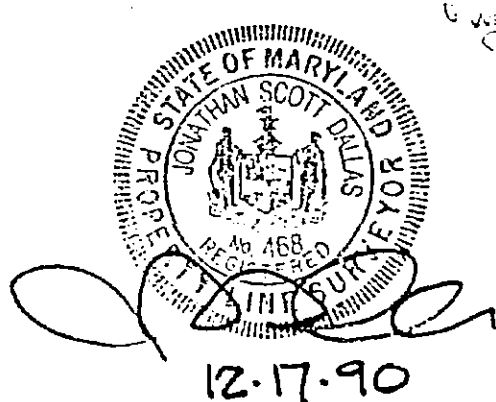
250
91-244-SPH

BEGINNING for the same at a point in the northernmost or North 89 degrees 08 minutes 55 seconds East 415.25 foot line of Lot 3 as shown on a plat entitled "Resubdivision of Dalton Property" and recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 54 folio 141 at a point distant 285.61 feet from the beginning thereof thence running with and binding on the outlines of said Lot 3 the five following courses and distances: (1) North 89 degrees 08 minutes 55 seconds East 128.64 feet (2) South 21 degrees 15 minutes 58 seconds East 189.17 feet (3) North 87 degrees 15 minutes 53 seconds East 336.08 feet (4) North 01 degrees 44 minutes 07 seconds West 199.91 feet and (5) North 87 degrees 15 minutes 53 seconds East 843.71 feet to intersect the westernmost side of Stoney Batter Road, 60 feet wide as shown on said plat thence running with and binding on the westernmost side of said Road and the outline of said Lot 3 (6) South 04 degrees 44 minutes 40 seconds East 15.01 feet thence leaving said Road and still running with and binding on the outlines of said Lot 3 the four following courses and distances: (7) South 87 degrees 15 minutes 53 seconds West 829.49 feet (8) South 01 degrees 44 minutes 07 seconds East 199.91 feet (9) South 87 degrees 15 minutes 53 seconds West 324.70 feet and (10) South 21 degrees 15 minutes 58 seconds East 152.84 feet to the beginning of the Southeasternmost or South 02 degrees 37 minutes 37 seconds West 200.00 foot line of said Lot 3 thence running with and binding on a part of said southeasternmost line (11) South 02 degrees 37 minutes 37 seconds West 55.00 feet thence leaving the outlines of said Lot 3 and running for new lines of division through said Lot 3 the two following courses and distances: (12) North 87 degrees 22 minutes 23 seconds West 110.00 feet and (13) North 23 degrees 42 minutes 31 seconds West 415.52 feet to the place of beginning.

CONTAINING 1.613 acres of land, more or less.

BEING a part of Lot 3 as shown on a plat entitled "Resubdivision of Dalton Property" and recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 54 folio 141.

FOR PURPOSE OF HEARING FOR ZONING ONLY, PART OF PARCEL DESCRIBED ABOVE LIES WITHIN 2310' (MALED) SOUTH OF DUNHAM AVE RUNNING IN STREET WATER RD.



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

91-244-SPH

District: 1st Date of Posting: 2-28-91

Posted for: Robert E. Dalton, et ux

Petitioner: Robert E. Dalton, et ux

Location of property: W/S Stoney Batter Road, 2370' +/- S of c/l Sunline Avenue

Location of Sign: Resubdivision of Dalton Property

Remarks: See above

Posted by: William J. Haines Date of return: 2-28-91

Number of Signs: 1

CERTIFICATE OF PUBLICATION

2-28-91

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2-21-91.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zeke Orlan

Publisher

\$84.03

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-28-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2-21-91.

THE JEFFERSONIAN,

S. Zeke Orlan

Publisher

\$84.03

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 91-244-SPH
W/S Stoney Batter Road, 2370' +/- S of c/l Sunline Avenue
11th Election District - 5th Councilmanic
Petitioner(s): Robert E. Dalton, et ux
Hearing Date: Friday, March 15, 1991 at 11:00 a.m.
Special Hearing: To approve the nonconsent transfer to combine 1.613 +/- acres, zoned R.C.-2, of Lot No. 3 "Resubdivision of Dalton Property" with Parcel A (consisting of 2.07 +/- acres zoned R.C.-2) as shown on "Resubdivision of Dalton Property" or in the alternative, to approve an easement for utility, ingress/egress on Lot No. 3 for the benefit of Parcel A, both as shown on "Resubdivision of Dalton Property".
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NJ2/161 Feb. 21.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

91-244-SPH

Date

12-18-90

PUBLIC HEARING FEES

NON-REFUNDABLE HEARING (FEE)

LAST NAME OF OWNER: DALTON

Please Make Checks Payable To: Baltimore County

validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

91-244-SPH

Date: 12/18/90

COUNTER DOWN.
IN SYSTEM NO REF.
GENERATED.

INDIVIDUAL RESUBDIVISION
SPECIAL HEARING

DALTON

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

91-244

Date

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 3-11-91

Robert E. and Janet M. Dalton
6526 Mt. Vista Road
Kingsville, Maryland 21087

RE:
Case Number: 91-244-SPH
W/S Stoney Batter Road, 2370' +/- S of c/l Sunline Avenue
11th Election District - 5th Councilmanic
Petitioner(s): Robert E. Dalton, et ux
HEARING: FRIDAY, MARCH 15, 1991 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 109.03 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE OWNER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN AND POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign and post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Howard Alderman, Jr., Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 31, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-244-SPH
W/S Stoney Batter Road, 2370' +/- S of c/l Sunline Avenue
11th Election District - 5th Councilmanic
Petitioner(s): Robert E. Dalton, et ux
HEARING: FRIDAY, MARCH 15, 1991 at 11:00 a.m.

Special Hearing to approve the nonconsent transfer to combine 1.613 +/- acres, zoned R.C.-2, of Lot No. 3 "Resubdivision of Dalton Property" with Parcel A (consisting of 2.07 +/- acres zoned R.C.-2) as shown on "Resubdivision of Dalton Property" or, in the alternative, to approve an easement for utility, ingress/egress on Lot No. 3, for the benefit of Parcel A, both as shown on "Resubdivision of Dalton Property".

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Robert E. and Janet M. Dalton
Howard L. Alderman, Jr., Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 7, 1991

Howard Alderman, Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

RE: Item No. 250, Case No. 91-244-SPH
Petitioner: Robert A. Dalton, et ux
Petition for Special Hearing

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Oyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Robert E. Dalton
6526 Mt. Vista Road
Kingsville, MD 21087

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 3rd day of January, 1990.

J. Robert Haines
ZONING COMMISSIONER

Received By:

James E. Oyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert E. Dalton, et ux

Petitioner's Attorney: Howard L. Alderman

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: March 7, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Robert E. Dalton, Item No. 250

In reference to the applicant's request for an easement for septic reserve area, this office defers to the comment from DEPRM. However, should this aspect of the request be granted, this office feels that the proposed dwelling should be located entirely on Parcel "A" because otherwise the development would result in an actual subdivision of property or transfer of density.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM250.ADD/ZAC1

received
3/12/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: February 13, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Robert E. Dalton, Item No. 250

In reference to the petitioner's request, staff offers the following comments:

This office recommends the applicant's proposal be denied for the following reasons:

- The purpose of the R.C.2 zone is to foster and protect agriculture.
- Zoning policy RSD-8 states that transfer for non-density purpose such as access or agriculture may be permitted. However, in the instant case, this transfer would not contribute to the preservation of agriculture.
- Section 22-85 of the Development Regulations states, "in any R.C. zone, the panhandle lengths shall not exceed 1000 ft. except if the County Review Group finds that a longer length is justified. The petitioner's proposed access exceeds 1400 ft.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM250/ZAC1

received
3/20/91

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Date: 1/14/91

Zoning Item # 250, Zoning Advisory Committee Meeting of January 8, 1991

Property Owner: Robert E. Dalton et ux

Location: W/S Stony Batter Rd, 2370' S of Sunshine Avenue, District: 11

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____ conducted.
 - () The results are valid until _____.
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - () shall be valid until _____.
 - () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3780.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

Others: SEE ATTACHED COMMENTS

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

January 14, 1991

TO: Mr. Robert Haines, Zoning Commissioner
Office of Planning and Zoning

FROM: Water and Sewer Division

SUBJECT: Comments on Item # 250, Dalton Property

Soil percolation tests were conducted on the subject site on November 20, 1989 with favorable results. The percolation test applicant was notified by letter dated November 27, 1989 that revised Plans were necessary prior to final approval of soil evaluations. The revised plans were never received by this office. Site plans submitted with the Zoning petition are generally acceptable but some revisions are necessary. Consequently the owner is advised to contact this office to discuss the necessary revisions.

This Department's approval to allow development of Parcel A (to be called Lot 3) is contingent on the Developer providing a dwelling site that can utilize the proposed sewage disposal area by gravity fall sewer service. More precisely, the dwelling must be located between the proposed well site and sewage disposal area. For more detailed information, the owner is advised to contact this office.

JRP:fmk

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 11, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROBERT E. DALTON
Location: W/S STONEY BATTER ROAD
Item No.: 250 Zoning Agenda: JANUARY 8, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. PROPOSED PARALLEL DRIVEWAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH BALTIMORE COUNTY COUNCIL BILL NO. 172-89 AND RESOLUTION NO. 52-89

REVIEWER: *Carl J. Kelly* 1/11/91 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
1/14/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 14, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for January 8, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 244, 249, 250, 251, 252, 253, 256, 258 and 259.

For Items 231 revised (Perring Plaza Shopping Center) and 247, the previous County Review Group comments are applicable.

For Items 254 and 255 and 257, County Review Group Meetings may be required.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 22, 1991

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
W/S Stony Batter Road, 2370' S of Sunshine Avenue
11th Election District - 5th Councilmanic District
Robert E. Dalton, et ux - Petitioners
Case No. 91-244-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

A. M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:mbs

cc: People's Counsel
File

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 27, 1991

Ms. Agnes Killian
State Department of Assessments and Taxation
Baltimore County Office - Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: Deed of Transfer - Dalton to Gibson
Compliance with Zoning Order
Case No. 91-244-SPH

Dear Ms. Killian:

You have requested a review by this office of a Deed, dated August 15, 1991 from Robert and Janet Dalton to Sharon and William Gibson, for compliance with the conditions and restrictions imposed by the Deputy Zoning Commissioner for Baltimore County in the above-referenced case. I have reviewed the Deed, together with the Zoning Order.

Your concern was centered around Restriction No. 6 which required a deed to be filed merging the property identified at the hearing as Parcel A and the 1-613 acres, more or less of Lot 3. The Deed, as recorded, at the bottom of page 2 clearly subjects the subject property to the Zoning Order and describes the express intent of the parties thereto to merge the described parcels into "a single parcel of land."

The deed as executed and recorded meets the requirements, from this office's perspective, of Restriction No. 6. If I can be of further assistance in this matter, please do not hesitate to contact me.

Sincerely,

Arnold Jablon, Director

AJ/lis

cc: Mr. and Mrs. Robert Dalton
Howard L. Alderman, Jr., Esquire

QUILL FORM

reorder no. 7-45331

LEVIN, GANN & HANN, P.A.
305 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
(301) 321-0600

DATE 27 Sept 91

TO ARNOLD LABLOW

SUBJECT
Robt. Dalton & wife
Case No. 91-244-SPH

Arnold -
Here is the suggested letter of response to Agnes Killian's
inquiry about compliance with the above-referenced zoning
case. I have also enclosed a copy of Ann's Order and
the Deed, with the appropriate sections highlighted, for
your reference. Finally, there is a single sheet of
addresses regarding the copies indicated on the proposed
letter.

RECEIVED
SEP 27 1991

ZONING OFFICE

Thanks for your help.
SIGNED Howard

Mr. and Mrs. Robert Dalton
6526 Mount Vista Road
Kingsville, Maryland 21087

Howard L. Alderman, Jr., Esquire
7505 Mount Vista Road
Bradshaw, Maryland 21021

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-425-0550

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

ELLIS LEVIN (800) 690-0901
CARROLL COUNTY OFFICE
132 LIBERTY ROAD
STYKEVILLE, MD 20784

HOWARD L. ALDERMAN, JR.

February 4, 1991

Elizabeth Healy, President
The Greater Kingsville Civic Association, Inc.
P.O. Box 221
Kingsville, Maryland 21087

RE: Robert and Janet Dalton
Zoning Hearings
Case No. 91-243-SPH
Case No. 91-244-SPH
Request to Address Association

Dear Liz:

I represent Robert and Janet Dalton who live at 6526 Mount
Vista Road. The Daltons have previously transferred a portion of
land to an adjoining owner for use as a "farm tract" only. In
addition, a parcel of land owned by the Daltons, adjacent to
their home lot, is to be improved with a home for their daughter.
Unfortunately, the parcel to be conveyed to their daughter will
not pass perc analysis.

The Zoning Office has advised that the conveyance of a farm
tract to an adjoining owner must be approved by the Zoning
Commissioner. Thus, the Special Hearing, identified as Case No.
91-243-SPH, has been scheduled to ratify this non-density
transfer which occurred several years ago.

The second Special Hearing, identified as Case No. 91-244-
SPH, is to transfer a portion of the Dalton's home lot to the lot
to be built upon by their daughter. The portion to be
transferred will provide an area for the sewage disposal by
drainfield or drywell. In the event that the transfer of this
land is denied, the Daltons are seeking approval of an easement
on a portion of their property to accomplish the same goal.

I have advised the Daltons of the meeting of our Community
Association on February 20, 1991. In order to keep the members
of our community fully aware of upcoming zoning hearings, I am
hereby requesting that a time be allocated on the agenda of that
meeting for me to discuss briefly the purposes of the hearings
and the intentions of Mr. and Mrs. Dalton.

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-425-0550

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

ELLIS LEVIN (800) 690-0901
CARROLL COUNTY OFFICE
132 LIBERTY ROAD
STYKEVILLE, MD 20784

HOWARD L. ALDERMAN, JR.

April 22, 1991

HAND-DELIVERED

Ann M. Nastarowicz, Esquire
Baltimore County Zoning Commissioners Office
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Robert Dalton and Wife
Case No. 91-244-SPH

Dear Ms. Nastarowicz:

I enclose herewith the original of a letter addressed to you
from Mr. and Mrs. Dalton and Mr. and Mrs. Seidel. This letter
evidences their understanding of non-density transfer as
contemplated in the above-referenced case. Acknowledgements are
also noted of future restrictions and requirements and the need
for a Confirmatory Deed.

Please review this letter and advise if any further
information is necessary before you issue your Order in this
case. Our clients are most anxious to receive the Orders in both
cases presented to you.

Thank you for your continuing cooperation in this matter.

Very truly yours,

Howard L. Alderman, Jr.

HIAJr/lis

Enclosure

NO TITLE EXAMINATION
NO CONSIDERATION
NO TRANSFER TAX

COPY

DEED

THIS DEED, made this 15th day of August in the year one
thousand nine hundred and ninety-one, by and between ROBERT E.
DALTON and JANET M. DALTON, his wife of Baltimore County, State of
Maryland, Grantors, and SHARON DIANE GIBSON (daughter of the
Grantors herein), and WILLIAM EZEKIEL GIBSON, JR., her husband, of
Baltimore County, in the State of Maryland, Grantees.

WITNESSETH, that in consideration of the sum of zero (0)
dollars, love and affection, and other good and valuable
considerations, the receipt of which is hereby acknowledged, the
said ROBERT E. DALTON and JANET M. DALTON, his wife do hereby grant
and convey to the said SHARON DIANE GIBSON and WILLIAM EZEKIEL
GIBSON, JR., her husband, as tenants by the entireties, their
assigns, the survivor of them, and unto the survivors personal
representatives and assigns, in fee simple, all those parcels of
ground situate in Baltimore County, Maryland and described as
follows, that is to say:

PARCEL ONE:

BEING known and designated as Parcel "A", as shown on a
Plat entitled "Resubdivision of Dalton Property," which Plat is
recorded among the Land Records of Baltimore County in Plat Book
E.H.K. Jr. No. 54, folio 141; containing 2.0678 acres, more or
less.

BEING ALSO part of all that property which by Deed dated
December 22, 1982 and recorded among the Land Records of Baltimore
County in Liber E.H.K. No. 5469, folio 817, was granted and
conveyed by GLOCK, INC., unto ROBERT E. DALTON and JANET M. DALTON,
his wife, the within Grantors.

BEING ALSO part of all that property which by Deed dated
May 29, 1984 and recorded among the Land Records of Baltimore
County in Liber 6722 folio 078, was granted and conveyed by CARMELA
MICELI, JOSEPH MICELI and FRANCES PERITTA, unto ROBERT E. DALTON
and JANET M. DALTON, his wife, the within Grantors.

PARCEL TWO:

BEGINNING for the same at a point in the North 89 degrees
08 minutes 55 seconds East 414.25 foot division line between Lot 3
and Parcel "A" as shown on the Plat entitled "Resubdivision of
Dalton Property" recorded among the Land Records of Baltimore
County in Plat Book E.H.K. Jr. No. 54 folio 141 at a point distant
285.61 feet from the beginning thereof thence running with and

PLEASE PRINT CLEARLY

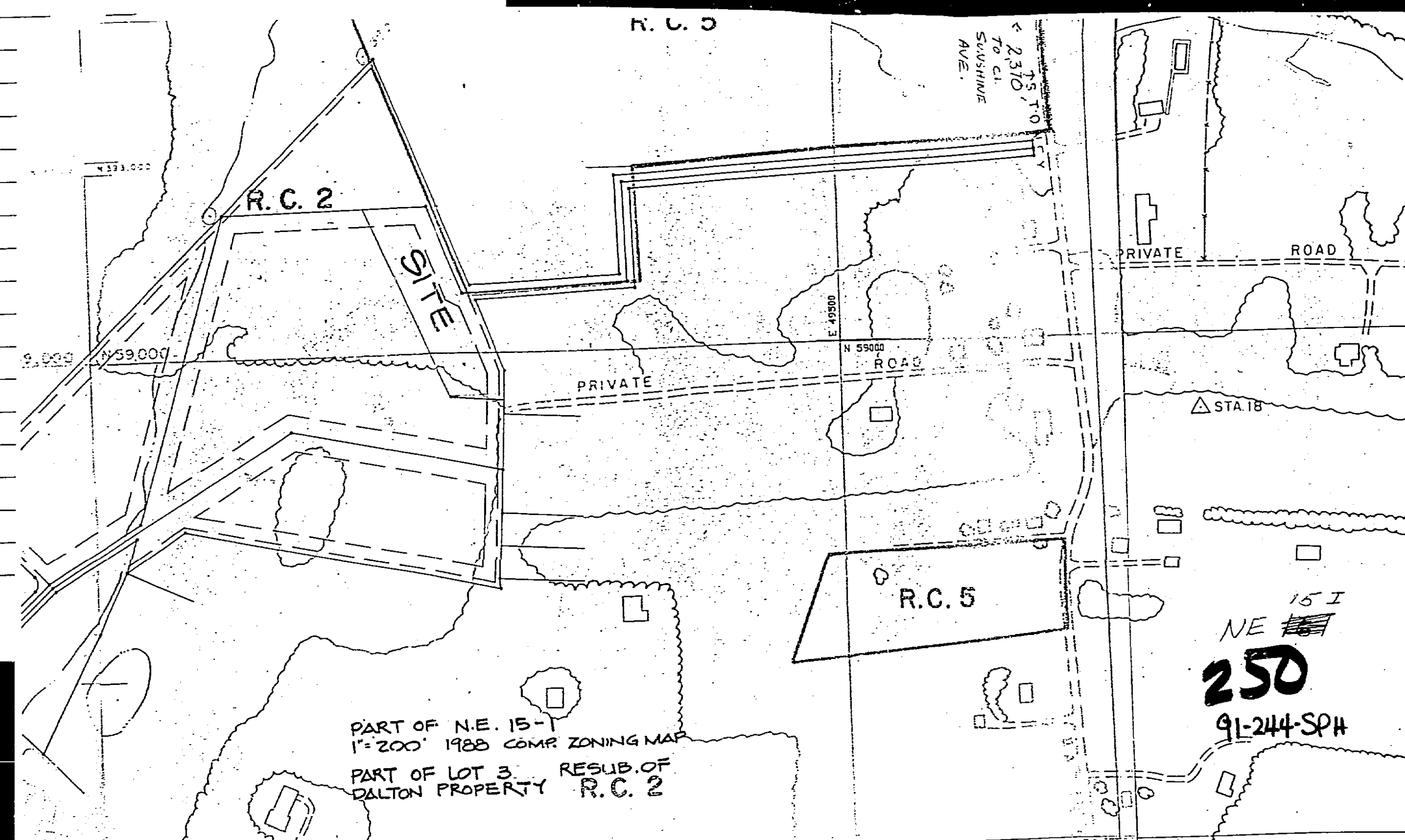
PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Robert E. Dalton
Janet M. Dalton
Howard L. Alderman, Jr.

6526 Mt Vista Rd Kingsville, MD 21087
111 West Chesapeake Ave Towson, MD 21204
301-321-0600



HAND-DELIVERED

Ann M. Nastarowicz, Esquire
Deputy Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Robert E. Dalton and Wife
Case No. 91-244-SPH
Amendment to Order

Dear Ms. Nastarowicz:

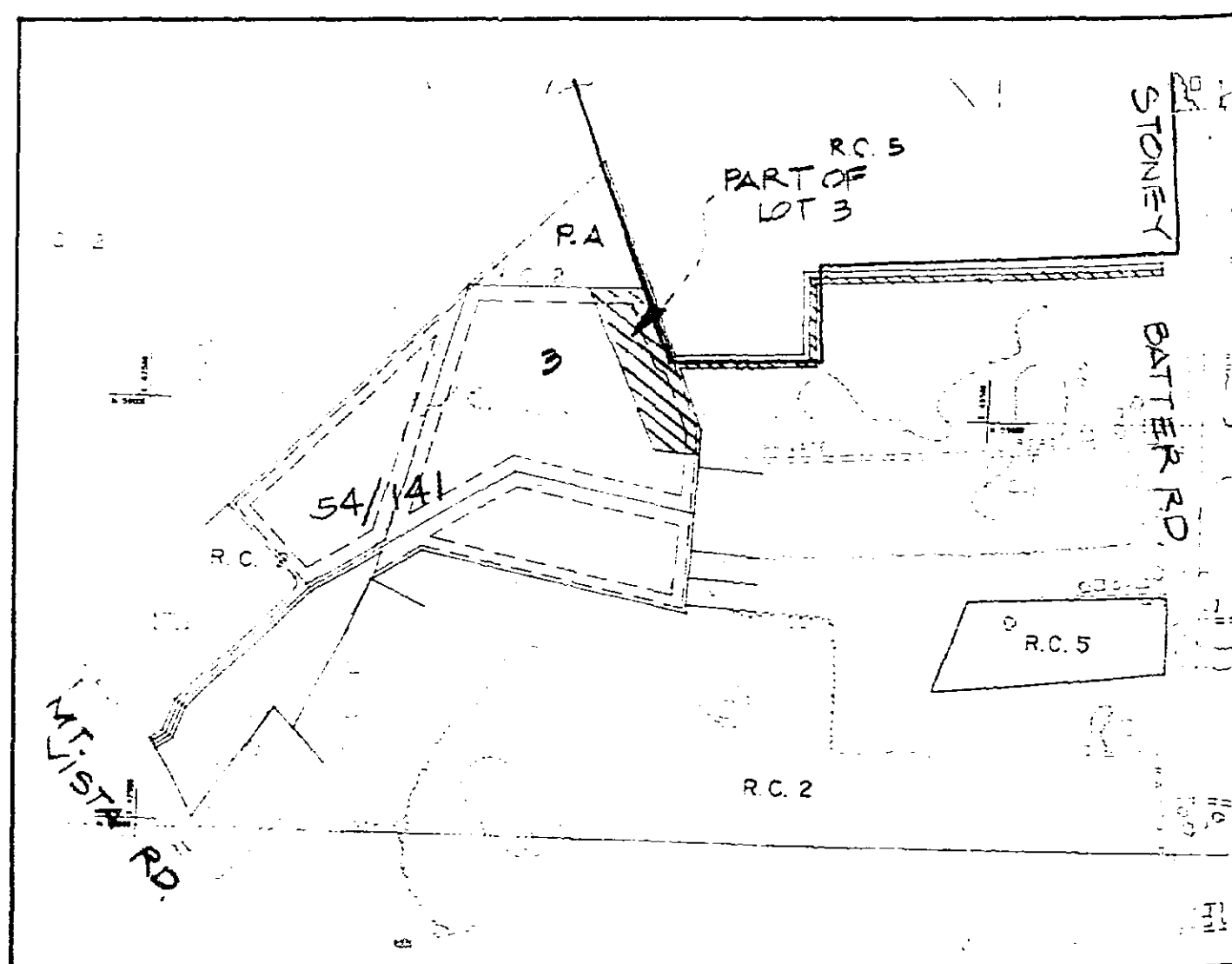
I received yesterday your Order, dated May 22, 1991, in the
above-referenced case. Although I have been unable to reach my
clients, Mr. and Mrs. Dalton, directly I have left word for them
regarding the Order and restrictions contained therein.

Based upon the minor nature of the requested relief,
enumerated restriction 3 imposes a severe timing and financial
burden on my clients. The requirement of complete CRG approval for
a single lot extends, I believe, the Development Regulations to a
point that was never intended.

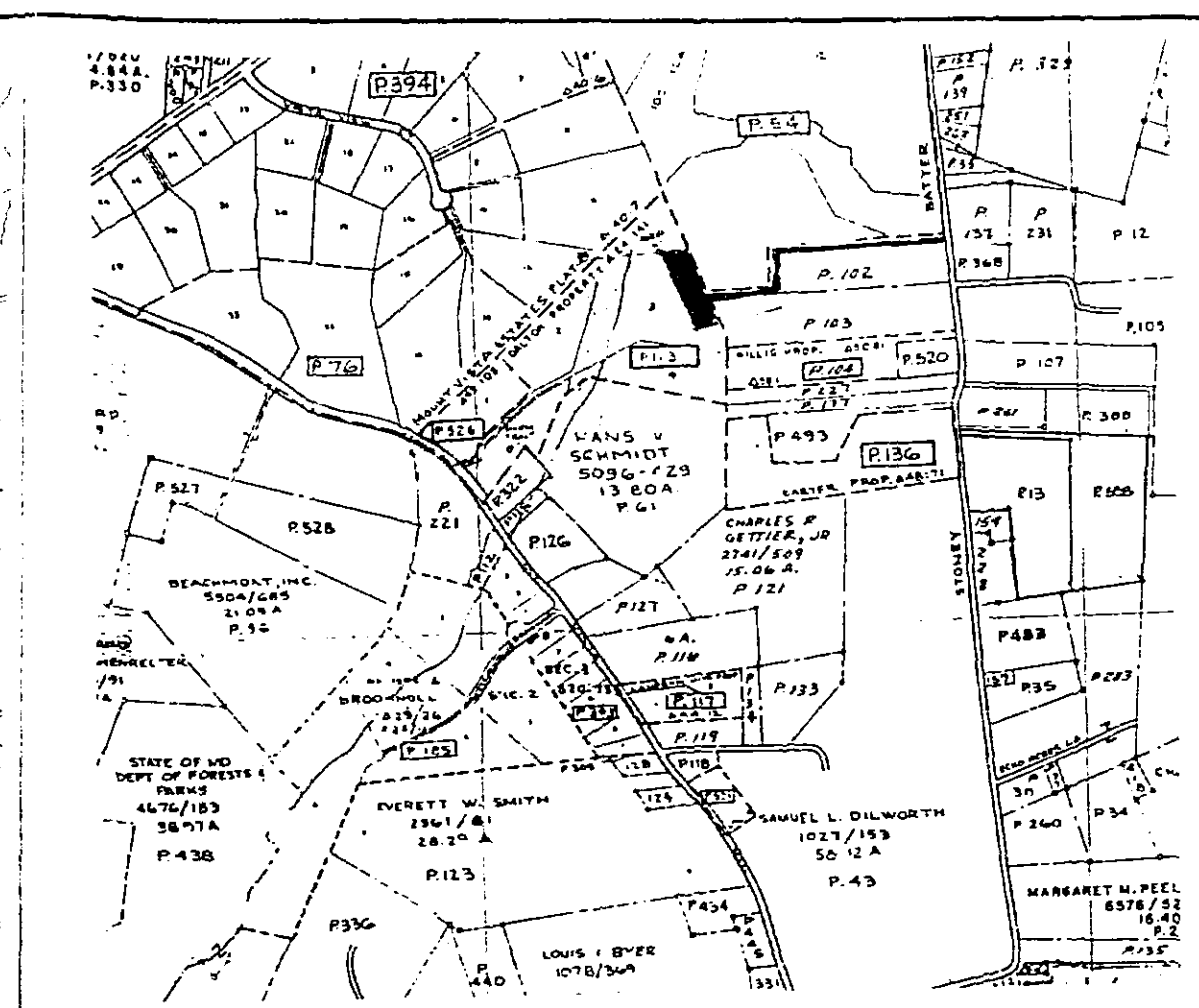
We therefore request that you amend your Order of May 22, 1991
eliminating the third restriction. If you reject the elimination
of this requirement, we would request that the Daltons be allowed
to proceed by way of Planning Board approval, commonly referred to
as a CRG waiver action. As you may be aware, Planning Board waiver
actions are regularly used to address issues involving panhandles.

Finally, the minor subdivision process now implemented by the
County will ensure that all necessary agencies review and approve
the plat to accompany the required Confirmatory Deed.

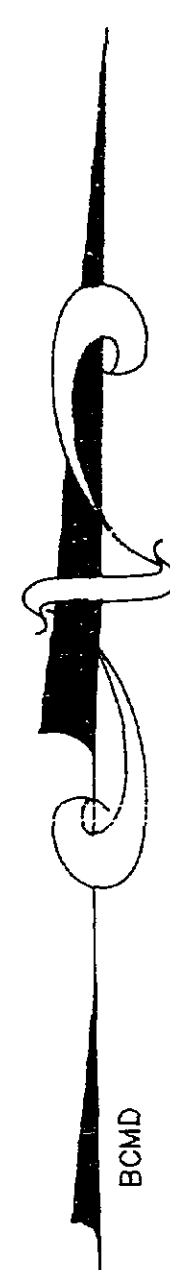
I sincerely hope that you will look favorably on this
requested amendment. I enclose herewith a copy of your Order for



LOCATION / ZONING MAP
1:400



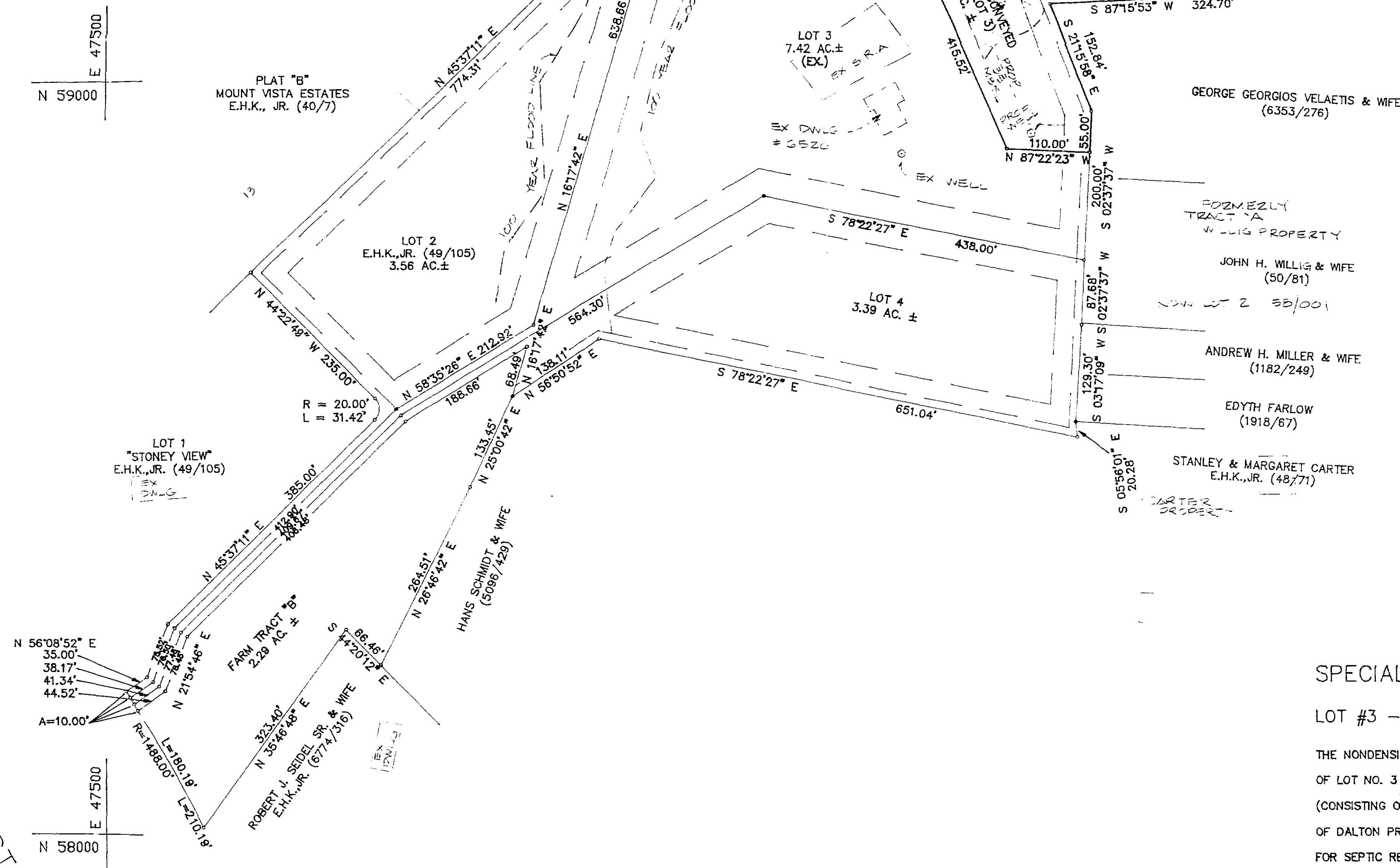
LOCATION MAP
1:1000



MOUNT VISTA ROAD
(60' WIDE)



J.S. DALLAS, INC.
Surveying & Engineering
4932 Hazelwood Avenue
Baltimore, Maryland 21206
Telephone: (301) 866-2001
Facsimile: (301) 866-2003



SPECIAL HEARING REQUEST

LOT #3 - PARCEL "A":

THE NONDENSITY TRANSFER TO COMBINE 1.613± ACRES, ZONED RC-2, OF LOT NO. 3 "RESUBDIVISION OF DALTON PROPERTY" WITH PARCEL A (CONSISTING OF 2.07± ACRES ZONED RC-2) AS SHOWN ON "RESUBDIVISION OF DALTON PROPERTY" OR, IN THE ALTERNATIVE, TO APPROVE AN EASEMENT FOR SEPTIC RESERVE AREA, UTILITIES, AND INGRESS/EGRESS ON LOT NO. 3, FOR THE BENEFIT OF PARCEL A BUT AS SHOWN ON "RESUBDIVISION OF DALTON PROPERTY".

PLANNERS' EXHIBIT 1

250

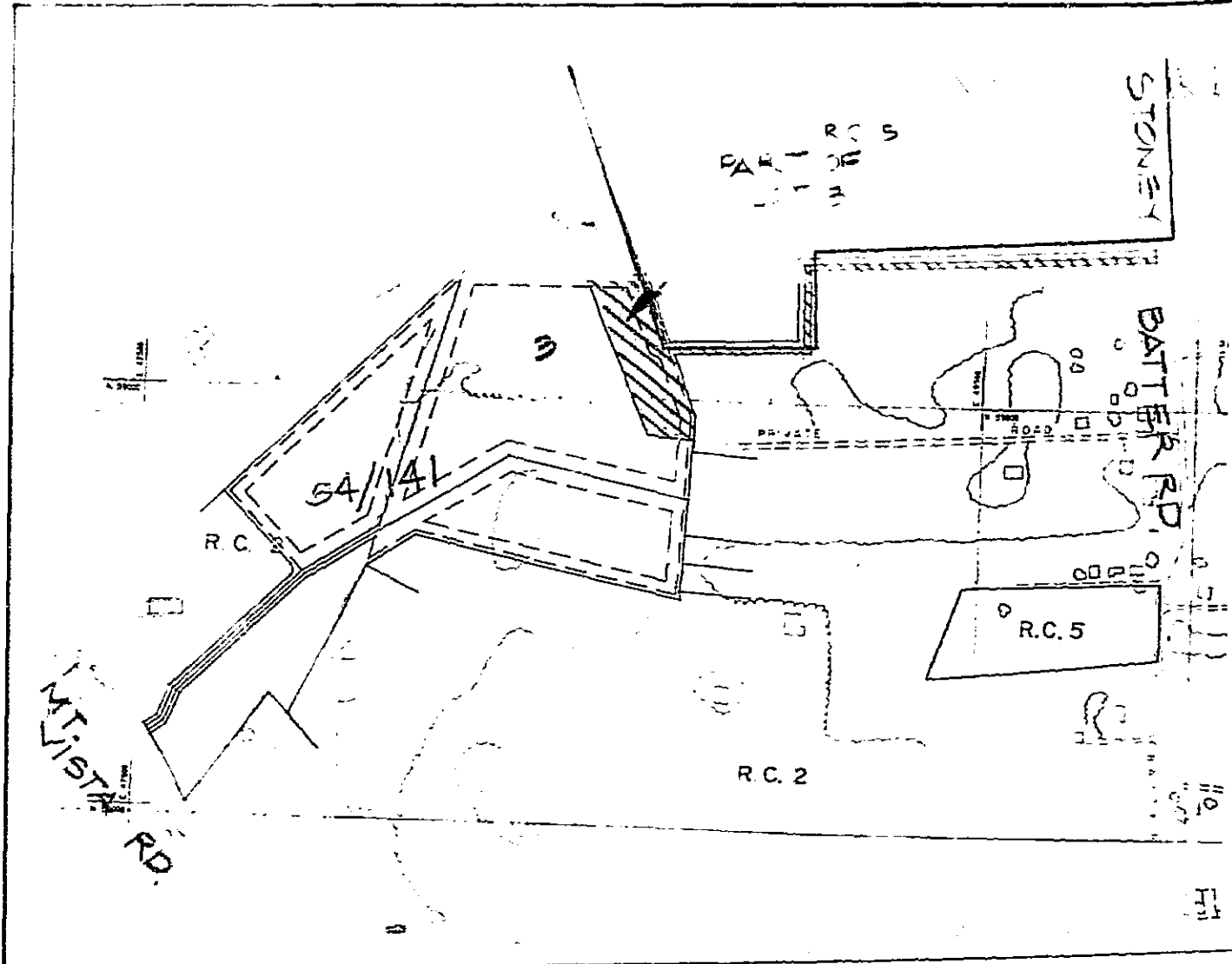
91-244-SPH

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
"DALTON PROPERTY" (E.H.K., JR. 54/141)
11th ELECTION DISTRICT
SCALE: 1" = 100'

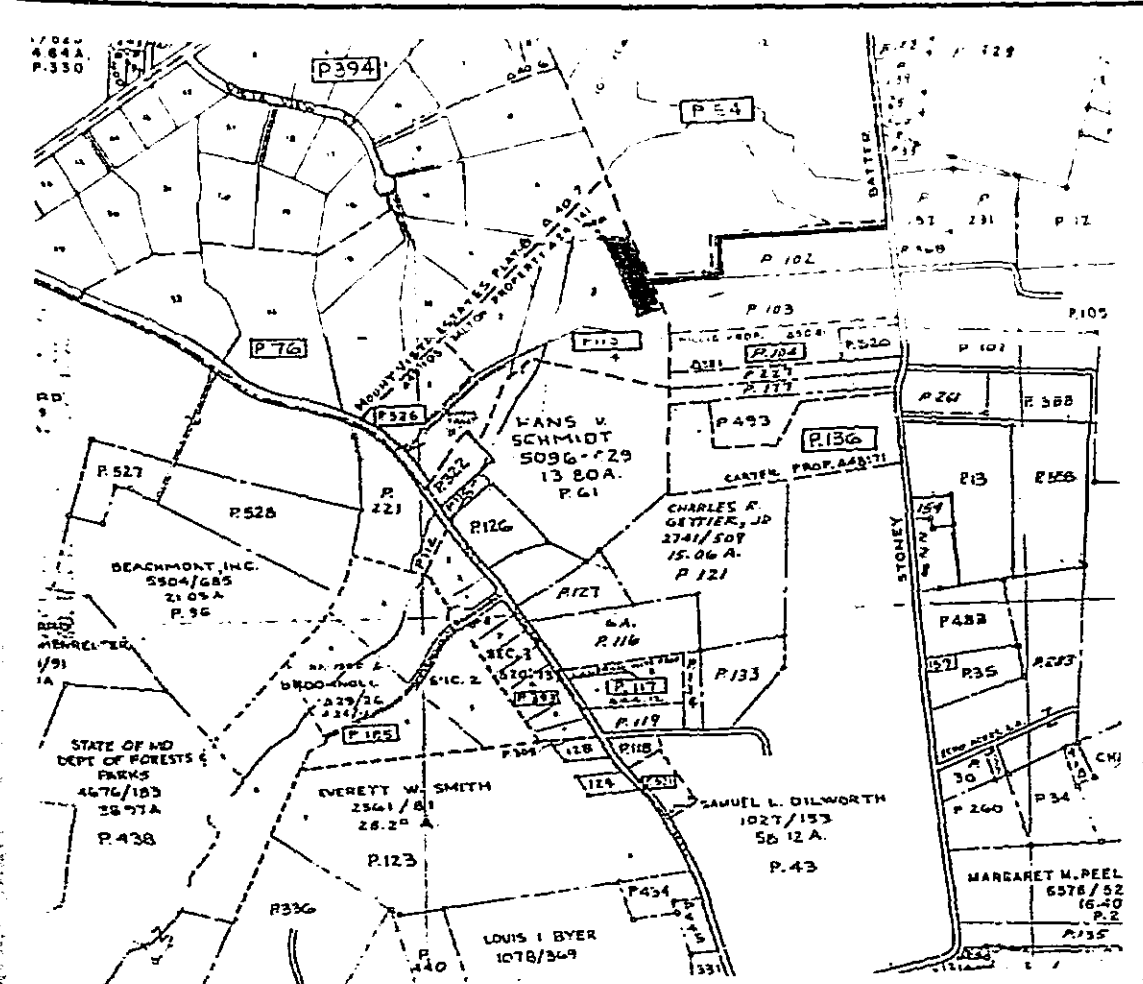
BALTO. CO. MD.
DATE: 12-17-90

STONEY BATTER ROAD
(60' WIDE)

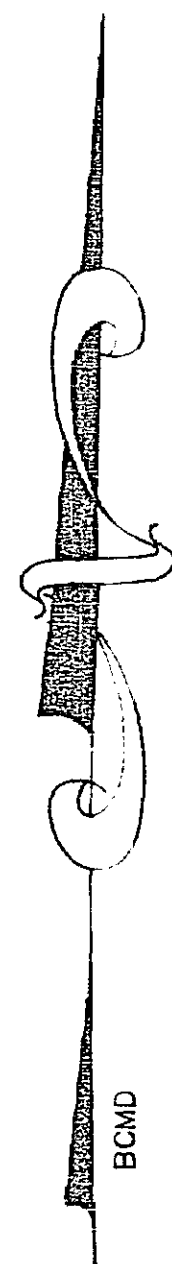
NOTES:
1. PARCELS A & LOT 3 ZONED RC-2
2. LOT 3 ZONED RC-2
3. LOT 3 ZONED RC-2
4. LOT 3 ZONED RC-2



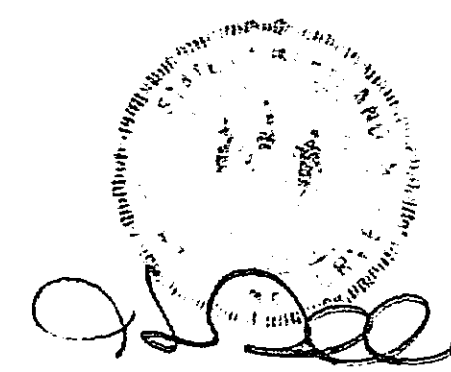
LOCATION / ZONING MAP
1" = 400'



LOCATION MAP
1" = 1000'



MOUNT VISTA ROAD
(60' WIDE)



J.S. DALLAS, INC.
REGISTERED PROFESSIONAL ENGINEER
STATE OF MARYLAND
No. 12345
Exp. 12-31-90

E 47500
N 59000

E 49500
N 59000

LOT 1
"STONEY VIEW"
E.H.K., JR. (49/105)
EX. DWG.
1" DWG.

E 47500
N 58000

PLAT "B"
MOUNT VISTA ESTATES
E.H.K., JR. (40/77)

LOT 2
E.H.K., JR. (49/105)
3.56 AC. ±

R = 20.00'
L = 31.42'

LOT 3
7.42 AC. ± (EX)
EX DWG. # G520
EX WELL

LOT 4
3.39 AC. ±

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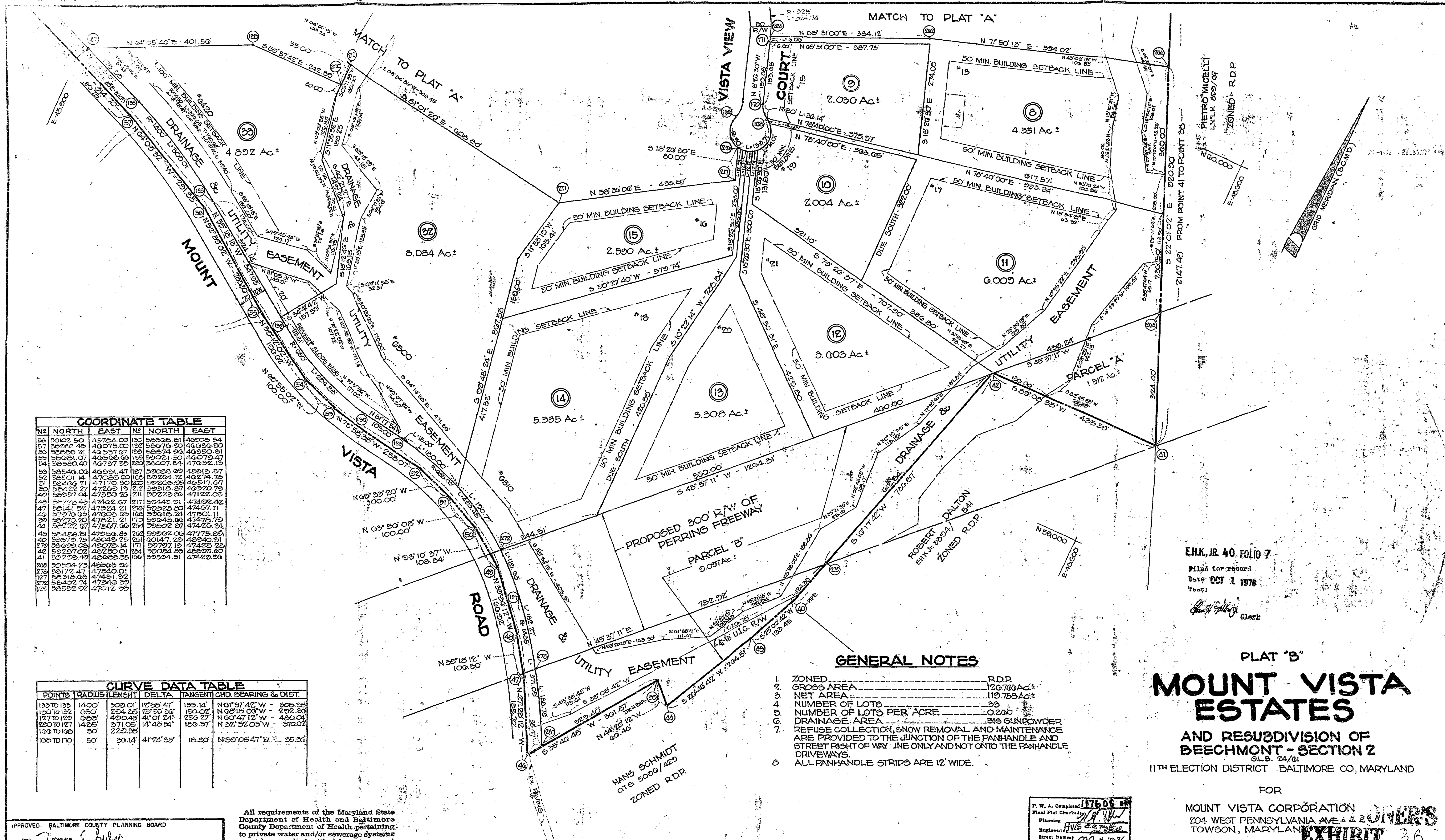
LOT 218
3.39 AC. ±

LOT 219
3.39 AC. ±

LOT 220
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LOT 221
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LOT 222
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COORDINATE TABLE					
N	North	East	N	North	East
1	50102.50	45724.09	13	50095.61	46006.84
2	50092.45	46075.00	14	50076.90	46039.90
3	50085.24	46237.67	15	50068.74	46050.81
4	50081.07	46506.66	16	50061.50	46079.47
5	50080.40	46737.55	17	50057.84	47032.15
6	50054.03	46631.47	18	50058.69	45913.57
7	50051.14	47005.00	19	50024.12	46274.76
8	50046.21	47170.50	20	50020.95	46517.07
9	50042.27	47209.19	21	50019.57	46520.73
10	50037.04	47559.26	22	50022.39	47122.06
11	50034.47	47842.67	23	50042.91	47182.42
12	50031.52	47924.21	24	50025.20	47407.11
13	50027.09	47900.00	25	50018.24	47501.11
14	50021.22	47821.21	26	50015.36	47475.72
15	50017.67	47807.66	27	50014.91	47420.31
16	50015.81	47958.88	28	50002.02	47775.85
17	50013.79	48048.28	29	50001.77	48040.51
18	50012.09	48079.14	30	50001.17	47422.02
19	50010.02	48250.01	31	50004.93	48009.80
20	50007.99	48250.01	32	50004.91	47420.30
21	50005.73	48503.24			
22	50012.47	47540.01			
23	50016.95	47431.31			
24	50016.78	47349.59			
25	50012.22	47012.20			

CURVE DATA TABLE					
POINTS	RADIUS	LENGTH	DELTA	TANGENT	CHD. BEARING & DIST.
130 TO 135	1400	300.01	12°26'47"	195.14	N 01°37'42" W - 308.28
130 TO 132	050	224.26	22°59'26"	150.02	N 00°19'03" W - 252.20
132 TO 133	050	400.45	41°01'24"	220.27	N 00°47'12" W - 480.04
133 TO 137	1425	271.05	14°48'54"	160.57	N 32°52'05" W - 370.02
137 TO 138	50	222.35			
138 TO 170	50	20.14	41°24'35"	18.20	N 30°08'47" W - 25.20

All requirements of the Maryland State Department of Health and Baltimore County Department of Health pertaining to private water and/or sewerage systems must be complied with prior to approval of building applications.

APPROVED, BALTIMORE COUNTY PLANNING BOARD
BY: *Thomas J. Miller*
DIRECTOR

BALTIMORE COUNTY HIGHWAYS DEPARTMENT
BY: _____
ENGINEER

BALTIMORE COUNTY HEALTH DEPARTMENT
BY: _____
HEALTH OFFICER

THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE DEEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

THE COURSES AND COORDINATES SHOWN HEREON ARE REFERRED TO THE COORDINATE SYSTEM AS ESTABLISHED BY THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE REFERRED TO THE FOLLOWING TRAVERSE STATIONS.

11017 N 50334.57 E 45102.92
11018 N 58601.73 E 4028.57

GENERAL NOTES

1. ZONED AREA R.D.P.
2. GROSS AREA 120.780 Ac.
3. NET AREA 119.788 Ac.
4. NUMBER OF LOTS 23
5. NUMBER OF LOTS PER ACRE 0.200
6. DRAINAGE AREA 1.816 GUNPOWDER
7. REFUSE COLLECTION, SNOW REMOVAL AND MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND STREET RIGHT OF WAY LINE ONLY AND NOT ONTO THE PANHANDLE DRIVEWAYS.
8. ALL PANHANDLE STRIPS ARE 12' WIDE.

P. W. A. Completed 11/16/76
Final Plat Checked
Placing
Engineer HWS 11/16/76
Street Name
Marker No. 703 9-10-76

SURVEYOR'S CERTIFICATE

I, J. CARROLL HAN, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT AND THE PLAT THEREOF PREPARED IN COMPLIANCE WITH SECTIONS 72A TO 72E, INCLUSIVE, OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1939 EDITION AS ENACTED OR AMENDED BY THE ACTS OF 1945 AND 1947 AND SUBSEQUENT ACTS, IF ANY, AMENDATORY THERETO.

OWNER'S CERTIFICATE

THE REQUIREMENTS OF SECTIONS 72A TO 72D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1939 EDITION, CHAPTER 106 OF THE ACTS OF 1945, AS AMENDED BY CHAPTERS 494 AND 788 OF THE ACTS OF 1947 AND SUBSEQUENT ACTS IF ANY, AMENDATORY THERETO SO FAR AS THEY CONCERN THE MAKING OF THE PLAT AND SETTING OF THE MARKERS, HAVE BEEN COMPLIED WITH.

MOUNT VISTA CORPORATION
OWNER OF LAND SHOWN HEREON
BY: *James J. Miller*

EVANS, HAGAN & HOLDEFER, INC.
SURVEYORS & ENGINEERS
8013 BELAIR ROAD - BALTIMORE, MD. 21236
(301) 668-1501

DATE 11/16/76 SCALE 1" = 100'

E.H.K., JR. 40. FOLIO 7
Filed for record
Date OCT 1 1976
Book:
Clark

PLAT "B"
MOUNT VISTA ESTATES
AND RESUBDIVISION OF
BEECHMONT - SECTION 2
G.L.B. 24/61
11TH ELECTION DISTRICT BALTIMORE CO, MARYLAND

FOR
MOUNT VISTA CORPORATION
204 WEST PENNSYLVANIA AVE. & TOWSON, MARYLAND
EXHIBIT 36